

Message

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**From:** Boydston, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DCF50BF734B64D33AE1C963B175A3487-BOYDSTON, MICHAEL]  
**Sent:** 10/26/2017 9:21:08 PM  
**To:** Varilek, Kimberly [Varilek.Kimberly@epa.gov]  
**Subject:** RE: GAO Questions - Sorry for the piece-meal approach - but this is the last one  
**Attachments:** SHPO Programmatic Agreement for Removals.doc

Hi Kim -

## Ex. 5 Attorney Client (AC)

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Michael Boydston  
Associate Regional Counsel, EPA Region 8  
303.312.7103

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**From:** Varilek, Kimberly  
**Sent:** Monday, October 23, 2017 11:03 AM  
**To:** Boydston, Michael <Boydston.Michael@epa.gov>  
**Subject:** FW: GAO Questions - Sorry for the piece-meal approach - but this is the last one  
**Importance:** High

ATTORNEY-CLIENT EXEMPT COMMUNICATION

## Ex. 5 Attorney Client (AC)

Thanks Mike! - Kim

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**From:** Harris, Dona  
**Sent:** Monday, October 23, 2017 7:33 AM  
**To:** Stover, Michael <Stover.Michael@epa.gov>; Jonathan, Grant <Jonathan.Grant@epa.gov>; Rogers, Patrick <rogers.patrick@epa.gov>; Varilek, Kimberly <Varilek.Kimberly@epa.gov>; Ebbert, Laura <Ebbert.Laura@epa.gov>;

Baker, Michelle <[Baker.Michelle@epa.gov](mailto:Baker.Michelle@epa.gov)>; Cooper, Destinee <[COOPER.DESTINEE@EPA.GOV](mailto:COOPER.DESTINEE@EPA.GOV)>

**Subject:** GAO Questions - Sorry for the piece-meal approach - but this is the last one

**Importance:** High

This question is from the second document that is a list of additional questions- the emphasis is section 106 of the National Historic Preservation Act. We don't have many but in TCOTS your offices identified consultation under this category.

6. Briefly describe how, if at all, the agency has used program alternatives to comply with section 106 of the National Historic Preservation Act. Program alternatives are defined in 36 C.F.R. § 800.14 and include alternate procedures, programmatic agreements, exemptions, standard treatments, and program comments. With respect to programmatic agreements, we are interested in prototype programmatic agreements, nationwide programmatic agreements or programmatic agreements that cover more than just one project or activity. RICs in R1, R2, R8, R9 (listed in TCOTS under NHPA/NEPA)

a. How has the agency's use of program alternatives affected tribal consultation under section 106 of the National Historic Preservation Act, if at all?

Dona M. Harris  
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The Dance of Life only requires steps that move our hearts. The direction of Life comes from whether we choose to move forward, stand still or stand in the past. Live your Dance. - Unknown